

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

UNITED STATES OF AMERICA	§
	§
v.	§ CR No. 3:04-CR-240-G
	§
HOLY LAND FOUNDATION	§
FOR RELIEF AND DEVELOPMENT	§
also known as the “HLF”(1)	§
SHUKRI ABU BAKER (2)	§
MOHAMED EL-MEZAIN (3)	§
GHASSAN ELASHI (4)	§
MUFID ABDULQADAR (7)	§
ABUDULRAHAM ODEH (8)	§

**PETITIONERS’ MOTION FOR EQUITABLE RELIEF  
FROM THE GOVERNMENT’S PUBLIC NAMING  
OF THEM AS UNINDICTED CO-CONSPIRATORS**

Petitioners, through their undersigned counsel, hereby move this Court for equitable relief from the government’s public identification of them as “unindicted co-conspirators and/or joint venturers,” in violation of their Fifth Amendment rights, in the above-captioned case. Specifically, petitioners ask this Court to (1) declare the government’s public naming of petitioners as unindicted co-conspirators and/or joint venturers to be a violation of petitioners’ Fifth Amendment rights; (2) order the expunging of petitioners’ names from any public document filed or issued by the government that identifies petitioners as unindicted co-conspirators; (3) enjoin the government from identifying petitioners as unindicted co-conspirators and/or joint venturers in any context other than that specifically permitted by the Court; and (4) order such other relief as the Court may deem just and equitable to remedy and prevent the government’s violations of petitioners’ Fifth Amendment rights.

This motion is made on the ground that the government violated petitioners' Fifth Amendment liberty interests in their good names and reputations when it publicly identified each petitioner by name as an unindicted co-conspirator/joint venturer in an attachment to its pre-trial brief. Petitioners have suffered demonstrable injury as a result of the government's action. The government has no legally cognizable basis to justify its conduct. The equitable relief petitioners seek will remedy the injury they have suffered and prevent future harm to them.

This motion is based on the accompanying Memorandum of Law and Declarations submitted herewith. This motion is made upon notice to the United States and to Defendants through their attorneys, as set forth in the accompanying Certificate of Service.

Counsel for petitioners request leave to file a reply brief in response to any opposition to this motion. Counsel for petitioners also request oral argument on this motion.

DATED: June 18, 2008

Respectfully Submitted,

/S/ Lisa Graybill

Lisa Graybill  
Texas Bar No. 24054454  
Legal Director  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF TEXAS  
PO Box 12905  
Austin, TX 78711  
[LGraybill@aclutx.org](mailto:LGraybill@aclutx.org)  
Tel: (512) 478-7300 x 116  
Fax: (512) 478-7303

Hina Shamsi\*  
State Bar No. NY 2995579  
L. Danielle Tully  
State Bar No. NY 4334512  
Jameel Jaffer  
State Bar No. NY 3064201  
AMERICAN CIVIL LIBERTIES UNION FOUNDATION

125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
[HShamsi@aclu.org](mailto:HShamsi@aclu.org)  
Tel.: (212) 549-2500  
Fax: (212) 549-2583

David Broiles, Local Counsel  
State Bar No. 03054500  
CAGLE AND BROILES  
100 N. Forest Park, Suite 220  
Ft. Worth, Texas 76102  
Tel. (817) 335-3311  
Fax: (817) 335-7733

CERTIFICATE OF CONFERENCE

Petitioners have conferred with the government, and the government has advised that it is opposed to this motion. Petitioners have also conferred with the Defendants, through their attorneys, and counsel for each Defendant has advised that they do not oppose this motion.

/S/ Hina Shamsi  
Hina Shamsi  
American Civil Liberties Union Foundation

\*Applications for admission *pro hac vice* for Hina Shamsi, L. Danielle Tully and Jameel Jaffer are pending before the court.

**CERTIFICATE OF SERVICE**

I hereby certify that on June 18, 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Marlo P. Cadeddu  
Law Office of Marlo P. Cadeddu  
3232 McKinney Ave, Suite 700  
Dallas, TX 75204

John D. Cline  
Jones Day  
555 California St., 26<sup>th</sup> Floor  
San Francisco, CA. 94104-1500

Nancy Hollander  
Theresa Duncan  
Freedman Boyd Daniels Hollander  
Goldberg & Ives  
20 First Plaza, Suite 700  
Albuquerque, NM 87102

Joshua L. Dratel  
Aaron J. Mysliwiec  
Law Office of Joshua L. Dratel  
2 Wall St, 3rd Floor  
New York, NY 10005

Linda Moreno  
Law Office of Linda Moreno  
PO Box 10985  
Tampa, FL 33679

Greg Westfall  
Westfall Platt & Cutrer  
Mallick Tower  
One Summit Ave, Suite 910  
Fort Worth, TX 76102

James T. Jacks  
Barry Jonas  
Nathan Franklin Garrett  
Assistant United States Attorneys  
1100 Commerce St., Third Floor  
Dallas, Texas 75242

Elizabeth J. Shapiro  
U.S. Dept of Justice  
Civil Division  
901 E Street NW  
10th Floor  
Washington, DC 20530

/S/ Lisa Graybill  
Lisa Graybill  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF TEXAS